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592 Among prosperous families the number of kibitkas occupied by its members might be
593 quite large. In addition to a separate establishment for each of the older sons those who could afford to do so had additional kibitkas for each wife and her children.[6] Radlov[8] mentions that a rich Kazak might have kibitkas in several different places with a wife and children in each among which he divided his time.

595 In general, however, most Kazak were obliged to rest content with one wife because of the financial outlay involved in acquiring additional ones. By Mohammedan law a man was allowed four wives but this restriction seems to have been treated lightly by those who could afford to do so. Tlenshiev knew, or at least had heard of, a man with forty wives.

The senior wife, the first one married (bəjbice) was nominally the mistress of the household and dominated the others (toqal or kici əjel[7]). The degree to which the senior wife actually controlled her juniors varied considerably with circumstances and the personalities involved. Levshin remarks[8] that even when the husband had no particular affection for her he was obliged to respect her and compel the other wives to do so. Zaleskie[9] points out, however, that the position of even the senior wife depended to a great extent upon the caprice of the husband. He describes a journey from one camping place to another in which the favored wife of the moment, mounted on a horse, led the procession in which others followed on camels, while she who was in disgrace at the time brought up the rear on foot, as the ultimate humiliation. My informants explained that the chief cause of friction within the household was that the senior wife delegated the heaviest and most disagreeable tasks to the junior, while she herself was jealous of the sexual preference shown by the husband for her younger colleague. On the other hand, according to Karutz,[10] the senior wife in some cases, especially if she were childless, would herself select a younger wife for her husband in order to have children in the family and assistance with the domestic chores. Grodekov says that in case of continual quarrels among several wives of a man the local judge (bij) might intervene and apportion the various household goods, furnishings and utensils among them in order to keep the peace.[11]

593 Of the general position of women in the Kazak family there are conflicting points of
562 view. Radlov[12] considered them as rather worse off than among the Kalmyk who, of course, were not Mohammedans, and thought that the Kazak treated his wife as his property because he had bought her at a high price. Domestic quarrels were frequent and the husband customarily addressed his wife in a harsh commanding voice. Levshin[13] remarks that the

[6] See also Levshin, *Description des hordes*, 363; Zaleskie, *La Vie des steppes*, 24.

[8] *Aus Sibirien*, 1: 484.

[7] Toqal is a somewhat rude term translatable perhaps as "wench." Kici əjel is preferable, meaning simply "younger wife."

[8] *Description des hordes*, 363.

[9] *La Vie des steppes*, 24.

[10] *Unter Kirgisen und Turkmenen*, 113–14.

[11] Dingelstedt, *Le Droit coutumier*, 151.

[12] *Aus Sibirien*, 1: 484.

[13] *Description des hordes*, 353.

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sole recompense for the toil of the Kazak woman was to be treated like a slave by her arrogant and severe master. Grodekov also considers the wife as legally a slave whom the husband had the right to punish by beating,[14] and Zaleskie[15] points out that although the Kazak woman had complete physical personal freedom she was less the companion of her husband than the animals of his herds.

On the other hand Karutz[16] denies specifically that the relation between husband and wife approached that of master and slave. The household was harmonious and in it the wife held a respected position. That the senior wife at least might be considered a responsible partner in her husband's affairs is indicated by Lansdell:[17]

> The head of a household will often send a portion of his herds several hundreds of miles away under the care of this [the senior] wife while he himself will either remain with his other wives about the grazing ground or go and encamp somewhere by himself.

And Ibn Battúta says:[18]

> A remarkable thing which I saw in this country was the respect shown to women by the Turks, for they hold a more dignified position than the men.

And again:[19]

> Among the Turks and Tatars their wives hold a high position; when they issue an order they say in it "By order of the Sultan and the Khatuns" [queens, wives of a khan]. Each khatun possesses several towns and districts and vast revenues, and when they travel with the sultan they have a separate camp.

These observations of Ibn Battúta were made about 1332 and it is uncertain exactly to which Turco-Mongol group they refer, although considering the route of his journey they probably include tribes ancestral to the Kazak. They agree with other information on the status of women among the steppe nomads at the time,[20] but may be somewhat discounted as applying particularly to the highest class among whom marriages took on something of the nature of political alliances with a consequently enhanced position for the wife. His remarks are, however, interesting as applying to a period before the wide acceptance of Mohammedanism among the Turkish nomads. It seems possible that the contradictory accounts of the status of the Kazak woman may be due to her somewhat anomalous position resulting from the imposition of Mohammedan concepts upon a former culture pattern in which she occupied a more respected position.

My informants on the whole painted a rather gloomy picture of the life of the Kazak

[14] *Kirgizy i Karakirgizy*, 23; also Dingelstedt, *Le Droit coutumier*, 151–52.
[15] *La Vie des steppes*, 23.
[16] *Unter Kirgisen und Turkmenen*, 114–15.
[17] *Russian Central Asia*, 322.
[18] *Travels in Asia and Africa*, 146–47.
[19] *Idem*, 100–101.
[20] *The Texts and Versions*, 134, 156–57.

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593 562 woman but agreed that this position varied considerably from family to family. There were examples of hen-pecked husbands dominated by their wives, but these were looked upon with a mixture of disdain and amusement by the community.

[841] According to Mohammedan custom women are considered unclean at the time of menstruation, but the Kazak woman seems to have been little affected by this view because she could not be spared from the work around the camp to perform the proper ablutions, prayers and fasts.[21]

595 855 [601] When circumstances made it possible for each wife to have her own kibitka she brought up her children more or less separately from those of other wives. When there were two or more wives living in one kibitka maternal authority tended to become somewhat confused but under the general supervision of the senior wife. Children applied to other wives of their father the same term (cece) which they used for their own mother or, if it was necessary to distinguish, added a descriptive term: egej cece (stepmother). The several wives likewise referred to any of their husband's children as ul (son) or qɨz (daughter). As the children passed out of the infancy stage boys were brought up by the father, while the 852 girls were trained by their mothers.[22] Boys were circumcised at any time from three to twelve years of age by a mullah (Mohammedan priest). For this occasion parents were expected to give a feast. Levshin notes[23] that this ceremony was much more strictly observed than any other of the obligations laid down by Islamic law.

884 There were no ceremonial observances at puberty or coming of age, nor was there any fixed age at which a youth was considered to have obtained his majority. According to Grodekov's information[24] it might be anywhere from the twelfth to the fifteenth year, depending on the precocity of the individual. Inasmuch as the sign and symbol of having attained majority was to be master of one's own kibitka it also depended on the affluence of the parents, since the rich could afford to set up their sons at an earlier age. Girls could hardly be said to have ever come of age since a woman was "only half a man," but their marriage might be considered, in this respect, as equivalent to the son's obtaining his own [582] kibitka. The marriage of a girl might take place at any time from about nine years of age on.

597 Children were frequently adopted. This might be because their own parents had died and they would be taken in by relatives of the latter, usually by their father's brother. Or a childless family would adopt a son from one that had several, preferably also from among close relatives. Grodekov[25] further mentions reciprocal exchange of children between two families. I did not obtain any information on this point.

Adoption took place before witnesses and was symbolized by the child touching the breast of his foster mother, indicating that she considered him as her own. Such adopted

[21] See also Rudenko, *Ocherk Byta . . . Kazakov*, 49.
[22] See also Grodekov, *Kirgizy i Kara-kirgizy*, 33.
[23] *Description des hordes*, 356–57.
[24] *Op. cit.*, 36.
[25] *Kirgizy i Kara-kirgizy*, 37; see also Dingelstedt, *Le Droit coutumier*, 252–53.

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children were entitled to shares in the distribution of the father's property as were his own offspring. Grodekov, however, remarks[36] that the adopted son may leave his foster family whenever he wishes or the foster father may cast him out, suggesting that the tie may not have been so close as that between blood parents and children. In extreme circumstances, however, it was also possible for a father to disown his real son. The father was the indisputable head of the family as reflected in the Kazak proverb: "A son before his father is like a slave before his master."[37]

EXOGAMY

The question of the exogamous unit in Kazak society is of crucial importance in defining the concept of the uru and the nature of social groupings.

My informants agreed that a man might not marry a girl of his own uru, but when one endeavors to discover in exactly what sense the term uru is used in this connection, difficulties develop. Tlenshiev declared that one might not marry a girl with whom one had a common male ancestor within seven generations. "Beyond seven fathers," he said, "it will be another uru." This of course opens up a new concept of the uru, mathematically determined for the purposes of exogamy as comprising all those related through seven generations in the male line. Such a classification would not correspond to any of the named groups. It would be possible, according to the informants, for a man of the Davlet uru to marry a Davlet girl provided the requirements of seven generation exogamy made it possible. Such a situation, however, seems to have occurred rarely. The informants agreed that such marriages were theoretically permissible, but were unable to give any specific instances.

In principle this system of exogamy agrees with information from other sources, although there appears to have been considerable variation in the exact number of generations which defined the prohibited group. Grodekov writes:[38]

> Marriage occurs between the ordas, tribes and gentes as far as the seventh ancestor; that is, to the seventh generation of ancestors reckoning in the male line, or, according to some opinions to the fourth and even third generation.

He adds that

> . . . among the Kara-kirghiz marriage may be concluded as far as the fifth generation. At the present time they marry even closer, even to the second generation, which they condemn with the words "You are violating zan" [the customary law] but they do not dissolve the marriage and do not punish the participants. The mullah Asan [one of Grodekov's informants] declares "Formerly among the Kara-kirghiz they married, as among the Kazaks, a bride from the seventh generation, now they take her from the third, and are even beginning to marry from the second generation, in conformity with the shariat [Mohammedan law] . . . ."

[36] *Op. cit.*, 37.
[37] Grodekov, *Kirgizy i Kara-kirgizy*, 33.
[38] *Kirgizy i Kara-kirgizy*, 27.

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Husband's older and younger brother's wife - abysin.
Husband's father - ata, kainata.
Husband's mother - ana, kainana.
Wife's father - ata, kainata.
Wife's father's father - ulu ata.
Wife's mother - ene, kain ene.
Wife's father's mother - ulu ene.
Wife's father's older brother - ulkun ata.
/33/ Wife's father's older brother's wife - ene.
Wife's father's older or younger brother's son - kain.
Wife's father's older or younger brother's daughter - yenge.
Wife's father's younger brother - kainaga.
Wife's father's younger brother's wife - yenge.
Wife's father's elder relative - kainaga, ulkun ui.
Wife's father's younger relative - kain, otau.

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The disobedience of children is punished by the domestic corrective measures of the parents. A son is punished by his father, a daughter by her mother, for the father rears the son, and the mother the daughter. The proverb "the son goes before the father, like a slave before a master" and others entered in Makovetskii, p. 28, Pt. 1, were found by E. A. Aleksandrov in the Kazalinsk uyezd.

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During the reign of the patriarchal clan principle, litigation between children and parents could not even be mentioned. Bodily punishment and humiliation before the people is customary for blows and offenses against the parents by the children.

For an offense against the father (a false denunciation, etc.) the son who has been given his allotment pays from one horse to one camel, and among the Kirgiz, an atton, i. e., a horse and a long coat. He is obliged to slaughter the animal and beg forgiveness on his knees. They admonish him, saying: "Who is greater: you or the people?" (yurt kup pe, sen kup pe.). And finally the elders and aksakals beat him without counting the strokes until he repents. In a similar situation a daughter who has received her allotment is not subjected to bodily punishment. The penalty for her is paid by her husband. Among the Kirgiz, her mother beats her.

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For stealing from parents, children who have received their allotments are not accountable at all up to three times, for it is considered only a secret taking away (yasyryb algan). Only the

593 fourth time are they obliged to return what they have taken. The
685 son of a married daughter, who has not succeeded in being granted something from his grandfather, takes it without permission and does not give it up for /34/ the first three times. The fourth time the bii sentences him to return the thing without a penalty, but a penalty is fixed for a fight at the time the thing is taken. All this relates also to the close kinsmen in general.

When the thief denies his guilt, the bii interrogates witnesses, but he is not sworn among kin. Incidentally the bii consoles the father (or kinsman) by the fact that he takes from the son in his turn when the latter becomes rich (collected in the Perovsk uyezd).

593 Patricide is unknown in the steppe. For this crime they would
682 banish the offender from the society after a preliminary disgrace E. A. Aleksandrov, assistant to the chief of the Kazalinsk uyezd, says that the customary law is silent concerning patricide. The killing of children can happen by mistake, and in such a case it is not punished. (1)

[847] 1. It sometimes happens that the Kazakhs in a fit of anger and in general in matters of dispute, in showing their opposition throw their children under the /horse's ?/ legs of the adversaries, who not infrequently trample them in fighting. Women especially practise this kind of opposition, throwing unweaned children under the feet of horses. Wergeld [628] in such cases is sought from the persons in the tent or in the village.

593 Children who have not received their allotment cannot have their own separate property. But once they have received their allotment the father ceases to distribute his property to them.

[882] Until the age of 12-15, children are not yet of serious mind
[675] (akyl toktatpaidy), and therefore sales, purchases, loans and other arrangements by them are invalid. Buying and selling done against the will of the father by a son who has not yet received his allotment is not broken.

The power of the mother rests on the power of the father. Children obey her for fear that she will tell the father.

When a father wishes to free himself from an incorrigible son, he gives him a small allotment, leaving him to his own devices to earn the kalym /bride price/ if he is unmarried. If this son is already married, the father expels him without an allotment, leaving him to earn

this for himself.

/35/ In extremity, the father renounces his son, khatti bizar, bizar khatt, before witnesses. According to the Kirgiz Kurpetai Dauletkulov, the bii places his seal on the document (for khatti bizar actually means "a letter of renunciation"). The form of the renunciation is: "If you are killed, I will not demand wergeld for you. If you kill someone, I will not pay wergeld on your behalf." In spite of this statement, however, a father cannot evade the payment of the wergeld for a murder committed by his son after that, unless, when he refuses to pay the wergeld, he permits his son to be killed as a punishment for the murder committed by him. A son who has been expelled by his father goes to one of his relatives.

Sometimes a daughter is given to an ishan or mullah (1) as an

1. The Kirgiz bii Kurpetai Dauletkulov adds: there are cases when a sick father promises to give his daughter to his ishan if he recovers.

offering favorable to God (nazr), provided that he is not within the forbidden degree of kinship, and also sometimes to a blood brother.

It is said that under the pressure of poverty boys are sometimes sold in the Perovsk uyezd (for 20 sheep for example). The Kirgiz Kurpetai Dauletkulov states that now they do not sell children.

A daughter is not sold, for there is a possibility of marrying her off for a small kalym. Bii Sultan Kanev recalls that in a time of famine daughters were sold for 1 or 2 heads of livestock or for 20-30 fillias /monetary unit equal to about 3-4 rubles/, and after the famine was over they demanded before him, bii Sultan, the rest of the payment up to the full kalym. The bii awarded the rest of the payment up to the full kalym of the category of "7 kulundi biya (2) and 2

2. Kulundi biya is a mare with a suckling.

buidak." (3)

3. Buidak is a two year old sheep. On the kalym /bride price/, cf. Chapter VI.

According to customary law there can be no protest against

593 marrying off a daughter by force. Only the Russian law takes her into its protection.

[888] The support of old parents is the duty of the children. In cases of complaint the bii judges it in this manner. A father with no property can move in with a married daughter only with the consent of his son-in-law. (4)

4. E. A. Aleksandrov, Kazalinsk uyezd.

853 608 /36/ A woman whose own milk is not adequate gives her child the milk of a cow, or with the permission of her husband, hires a wet nurse (eneke), who is called by the child "sheshe", like the real mother.

* * * *

884 Majority is considered to have been reached at the age of 15, or according to other reports, at 12 (Perovsk uyezd). From this time on the young man goes away, hires himself out and does his work alone, without permission. According to Abdrakhman of the Auliye-Ata uyezd, they are called minors (yas, sagyr - young, not of age) until the age of 13, and from 15 or 16 they are of age. A youth of 14 years can be considered of age or not of age, depending on his mind. In general, if a boy declares that as a minor he cannot answer before the court, or if he declares that in spite of his youth he is capable of carrying out an affair, the court will not find an obstacle to fulfilling his wish, without regard to his exact age. Among the Kirgiz, as Kurpetai Dauletkulov reports, majority begins from the age of 13. According to the report of the chief of the Chimkent uyezd, N. E. Blagovidov, boys are counted as of age at 12, and girls at 9. However girls are not permitted to give testimony as witnesses in court. According to bii Khamahammed, if a girl was spoken for (bata okugan) at the age of 4-8, then the betrothal is equal to marriage (bataning uzi bular iken) and she cannot refuse if the groom does not permit her to (chigalmaidy eri koymagansha). When the daughters of a rich man or of a butcher reach the age of 10, and the daughters of a poor man reach 15, then the customary law permits them to declare their unwillingness to marry the groom chosen by the father (tiymeymen dese adat kuteredi). This is explained by saying that the daughter of the rich man, who is fed and dressed better (achimi, yemi, kiymi taza), just as the daughter of the butcher who

884 582

586 among the relatives. The groom's father is the first to give to the contribution. This property remains with the husband in the case of divorce.

According to Umurbek, the children of divorced parents remain with the father, but an amicable agreement can be reached and the young ones granted to the mother. According to Mikebai, often the relatives will not permit a minor son to go to the new husband of the widow. A grown son has freedom of choice. The first of the daughters always goes with the mother, and the others remain with the successors. Now, however, the daughters too have the right to give consent or not.

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Among the Kirgiz, Kurpetai Daulekulov reports that the sons and daughters remain with the father's relatives after his death. If there are several daughters the biis may allot the youngest one to the mother. According to the report of the Kirgiz Daniyar, a widow who marries a close kinsman of her husband, takes property with her and a young son. But if she marries a strange man she receives neither property nor the son, and the kalym which comes for her goes to the brothers of the deceased and in part for the use of her children. A divorced woman also fails to receive property or her son.

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If the step-father is killed, the step-son does not have the right to claim wergeld. Likewise if the step-son is killed, the step-father has no right to demand wergeld. The wergeld is demanded by the closest kinsmen, and the step-father or the step-son can only receive a reward for the expenses born by them for the burial. The step-father has a right to demand wergeld for his own use for a killed step-son only if there are no other kinsmen.

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/93/ The wife does the work her husband directs her to do. She is not allowed to argue (erkbermeymiz). In the absence of the husband the wife feeds herself from his livestock. Even if there are no means of life for a long time, she still cannot marry another because of this.

593 562 837

There is no obstacle preventing a husband who is absent for a long time from entrusting or reconveying his wife to another. Only the latter is not customary. (1)

1. According to Makovetskii, I.P. 24, this happens: "the biis refuse a husband who claims the wife who has been sold."

Only daughters given to ishans as a gift (nazyr), not wives.

The custom of hetaeristic hospitality exists in secret in the north and in Siberia, but less in the south. In one of the volumes of the Materialy dlia statistiki Turkestanskago kraia, a custom is mentioned where a guest puts his hand on the bosom of a sleeping maiden three times, and if she does not push it away, it signifies her agreement. Bii Sultan Kanaev denied such a right of the guest, adding: "This is unthinkable" (ol suz imes). 562 837

A wife and children who have not received their allotment do not have any property. If the wife lives with her husband, she takes part with him in the use of the property (malyna sirik). But she cannot manage the property under her supervision (khatyn biyleb mal beralmeydi). In the absence of the husband she manages the property. For example, on the demand of her husband's friend (tamyr), if he is dependable (isenimdi) she gives him things for his use, or gives them to him as a gift. When the husband returns he may not give his consent, and then the gift is taken back. The same thing takes place with an object sold by the wife in the husband's absence, in accordance with the opinion that "women have half a mind" (khatynnyng akyly yarymdyk) and according to the proverb: "a woman is without a mind, a frog is without a tail" (khatyn akylsiz baka kuyruksyz). 562 421 593

Among the Kirgiz, spouses have common property (inchiles). Wergeld for a wife is not received by her husband, but by her clan. If she /94/ was wounded by someone, the fine for the wound, if the fine was called aibom, is received by her husband. But if this fine was recorded in the decision under the name of wergeld, then it is received by the kinsmen of the wife. 421 562 612

The wife who goes away from her husband does not take anything wiht her (according to Abdrakhman, of the Auliye-Ata uyezd) Maykut (Auliye-Ata uyezd) transmits the information that in antiquity like the Siberian indigenous peoples according to Samokvasov, the property of the childless deceased wife, consisting of her clothing, fur coat, rug, blanket, bridal headdress and kerchief, is returned to her father or the person who married her off with this dowry. 428

If a wife complains of the squandering or unprofitable exploitation of property by her heedless husband, the bii does not accept such a suit in his examination, but sends her to the nearest aksakals, clan chiefs and authoritative kinsmen. 562 [595]

A wife may trade only with the agreement of her husband. A widow (tulkhatun) is not prevented from trading.

A wife appears in court: 1) on matters of offense by the husband, etc., 2) in place of minor children, in the absence of her husband or 562 695

562 their guardian. Women are permitted to enter a complaint in court of
685 their rape. (1) In such a case the woman has the right to defend her

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1. When a woman declares that she has been raped, and this is based only on one such declaration, the people's court sentences the person accused by the woman to pay a material remuneration to the plaintiff.

interests personally before the court. The testimony of women has force only in affairs affecting them personally. In affairs of men, no interference of women is permitted. In the Kazalinsk uyezd, women are not even called to court in matters concerning men and kinsmen.

Women, for example, the wife who is the defendant, are called up for a brief examination, but if she denies her guilt, it is limited to that.

If the wife is in dispute with her husband, no credit is given to her testimony at all (the biis' books of the Perovsk uyezd).

[593] /95/ Wives use the seal of their husbands but not of their fathers, since, according to the explanation of bii Sagyndykov, a Kazakh woman who was bought for a kalym is without rights (ikhtiyri yok), like a slave (churi), like livestock (mal) or land property (mulyk yer).

A woman is not permitted to take an oath. (1) An oath is

1. According to Torgai, the women are allowed to take an oath by the Shariat. He transmits from the words of the elders that in an extreme case they dress the Kazakh woman in men's clothing. Perhaps this evidence is only an attempt to bring the customary law closer to the Shariat.

possible from the woman's side, i. e., from her commune, but this too is avoided. According to the Kirgiz Kurpetai Dauletkulov, it is impossible for a woman to take an oath, but her husband and his relatives can take it. Cases in which decisions were made on the basis of a woman's oath in the absence of male witnesses, are very rare. Bii Abdrakhman does not recall a case of murder, for example, which was committed by a woman, without male witnesses.

562 For a murder committed by a woman, wergeld is not changed.
681 For the murder of a woman, half a wergeld is sought. But for injury of a woman no less is sought than for injury of a man, and

judge dispose of property which was not his own.[1] The unit of property ownership was the family, and still is.

The clan was a military unit, and supplied companies of armed and mounted men to the armies of the khans and sultans. Each clan company fought under its own leader, and had its own distinctive rallying cry (in Turkic uran, from which "hurrah" is derived) which was usually a repetition of the names of illustrious leaders and warriors of the clan. These companies were used not only in wartime but in any time of trouble; they were called to help during feuds, for example, or in fending off thieves.

The clan supplied the khan with taxes in kind (usually livestock), in money, and in labor service. Taxes in money were not common, since money itself was a rarity on the steppe, and was to be found in the hands of traders and moneymen rather than among clansmen or clan leaders. The taxes paid by the clan to the khan were collected by the clan leader and paid for the group as a whole. Aside from livestock, the clan paid in labor service, reckoned in terms of transport duty and communications (messenger service). And the clan supplied able-bodied men in military companies under its own leaders, as required by the khan. The last century in which this system actually worked as a normal matter was the 18th century. By then the Kazakhs had been definitely divided into three hordes, and the khans ruled over each horde separately. By the 19th century, there were only two types of khans, those who came forward to unite their people against the Russians, such as Kenesary and Taimanov, and those who were maintained by the Russians, such as Khan Bukei of the Inner Horde, and his line.[2]

It is perhaps surprising to find a society in which the members are all theoretically related to each other by ties of blood, yet which is riven by class distinctions and by unequal distributions of ranks and privileges. Yet this is the case among many peoples of Central Asia, such as the Uzbeks and Kazakhs, and of Eastern Asia, such as the Mongols. The basis of social differentiation is the ranking of descent lines according to the order of birth of the founders. Once this differentiation is established, and the society is divided into aristocrats (by virtue of primogeniture) and commoners, more complex divisions follow. A leader or khan is then set up as the first among the aristocrats, and he forms a court of aides, ministers, viceroys, field commanders, priests, and so forth. The khan may ennoble a commoner as a reward for bravery in the field, or because he is literate and hence of exceptional utility to the state.

Theoretically, then, all Kazakhs are related to each other by ties of blood. This does not mean that they are all actually descendants of one founding ancestor, for such a figure lies so far in the past that it is necessarily mythical; the truth or falsity of the tradition can no longer be shown. In addition to the myth, however, the establishment of kinship is also achieved by another kind of fiction. Kinship may be based on adoption, whereby a son is regarded as though he were the

[1] Valikhanov, 1904, pp. 150 ff.; Radloff (104), 1893, pp. 513-514; Ibragimov, 1878, pp. 234-237.
[2] Ivanin, 1864, pp. 2-6; Abdykalykov and Pankratova, 1943, pp. 148-241.

may even place the authority in the hands of an adult son, if he has one, or a brother. Recourse to such action may be taken only rarely, but it is nevertheless a recognized delimitation of paternal powers. The parental authority over the son serves as the model for all authority patterns in Kazakh society, such as those involving the village elder, the clan leader, the beg, and the khan.[1]

In the past the parental authority was limited in another sense; the family was part of a village which camped and pastured its herds in common. The leaders of the village decided when and where to camp, when to change camp, when to break up the winter concentration of herds and families and move to the more dispersed spring and summer pastures.[2] A family head disobeyed these decisions at his risk. It was to his interest to follow them, since he gained many things thereby: fellowship, social position, protection from dangers by weight of numbers, assistance in time of need. The village in turn was subordinate to the clan authority if there was one. In case of raids, feuds, or other breaches of the peace, a village leader would appeal to the clan chief for aid. In a dispute between villages, a village elder would appeal to his clan chief for a judgment in his favor.

The village elder was the judge of his community, and decided all cases, usually with the support of the other senior men of the village. Appeals from their decisions were rare, defiance of their decisions even rarer. Behind the judgment of the village leader and the other elders lay the force of social solidarity, the weight of the entire village; defiance meant ejection and flight. Defiance of father by the son had similar consequences. The ultimate authority rested with the khan, if there was one, and if he cared to use his power, for he backed his authority with an army and the right of punishment by death or imprisonment, in addition to the force of his position.

The Kazakh household could include several wives if the position and wealth of the master allowed it. In one community studied, the Adai lineage on Mangyshlak peninsula, half the men had only one wife and half had two. In general, very few families contained more than two wives, although there is in theory no upper limit on the number of wives (exclusive of concubines) that a man can have. The ideal number of wives in princely families was considered to be five or nine—in contrast to the ideal number of wives for Moslems which the Koran gives as four. The family and marriage patterns of the Kazakhs are among the traits which give a pronouncedly non-Islamic coloring to their society.[3]

A youth was given his own tent and appurtenances when he came of age; traditionally he was soon to be married, and in fact a substantial number were married by the time they were 20 years old. Even as late as 1926, 222 out of every 1,000 males were married by that age, and in former years the rate was higher. The tent was not identical with the household unit. A young married couple with children did not

[1] Izvestsov, 1897, pp. 5, 11.
[2] Radloff (104), 1893, p. 513; Rudenko et al, 1930, pp. 4-8.
[3] Karutz (73), 1910, p. 42.

live as an independent unit, even though they had their own tent; the group was still part of the husband's father's household.[1]

Extensive studies done in the early 1920's by Rudenko describe the family life among Kazakhs of the Middle Horde. In one aul or nomadic village, there were 13 tents in a line. Five of the 13 "belonged" to the head of the aul, and of these three contained women; that is, three were tents of married persons, for women received tents only on marriage. Rich auls were small, with few families; poor auls were large, with many families joining in their poverty. One such poor aul contained 60 families; Samoilovich describes a richer grouping of 505 tents in 100 auls of three to eight tents each.[2]

Very little information is available on the size of households or the extended family. Samoilovich gave 2,408 as the number of individuals living in the 505 tents, or 4.76 per tent.[3] Equating tents with married couples, but also allowing for bachelors and childless couples in some tents, one can infer a high fertility in this particular community. This account is one of the very few detailed demographic pictures of a small community of Kazakhs living in the traditional fashion. It is difficult to generalize from such a description, but one gets a sense of the direction such figures are likely to take.

In Turkic nomad communities there are generally fewer women than men; a ratio of 900 females to 1,000 males exists among Kazakhs. The Kirgiz and the Yakut of Northern Siberia present a similar picture. Among these people, however, men tend to marry late in life, while social norms dictate that women marry early. This is shown by the fact that, in 1926, 41 out of every 1,000 Kazakh males reached the age of 40 unmarried, while only three out of every 1,000 women were still single at 40. More than 75 per cent of the women married by the age of 20; Kazakh men reached that percentage only in the age group 30-34. Hence there is actually a surplus of women seeking marriage, and this allows for a certain amount of polygamy, since a woman will marry a man who already has a wife rather than remain unmarried.

As noted before, the extended family is patriarchal in character; authority is vested in the senior male of the household. All decisions rest with him, and rarely can appeal be made beyond his word. The entire society centers around the father-son axis, the central point of the marriage life and family happiness is the bearing of a son. The son is the assurance that the line will be continued; on a larger scale, this pattern of descent in the paternal line is the web that holds the society together. This is an extreme case of a father-son oriented society. Few of the factors which tend to modify strict patriarchal control in other societies can be seen here. The Chinese and the Japanese have a patrilineal family system, but in these societies, although the father is the center of authority, the mother is the center of a different circle of emotion, one of love and warmth, and the family life involves both circles.

[1] USSR Census 1926, vol. 54.
[2] Rudenko *et al*, 1930, p. 311.
[3] Samoilovich, in Rudenko *et al*, 1930.

Not so the Kazakhs. Among the Kazakhs and related societies, the role of maternal affection is simply not to be found, in the ethnographies or in the native literature. There are autobiographies of Kazakhs, among them that of the novelist Sabit Mukanov, and biographies of Kazakhs by Kazakhs. Nowhere does the theme of a mother's love for her son, nor of the son's affection for his mother, appear. These autobiographies and novels are products of the Soviet era, but there is nothing in the Soviet pattern which rules out the theme of mother love. Similarly, in collections of poems and songs of both the Soviet and the prerevolutionary eras, the idea of mother love rarely appears. These poems and songs celebrate the deeds of past heroes, or the love of a youth for a girl; girl's songs praise the bravery and handsomeness of the lover. The mother is simply missing. If by chance she should appear, it is only as one of a series of family members.

In the Kazakh language, the term of endearment for the mother is not centered on the mother alone; it designates at the same time mother, elder sister, paternal aunt. This could be taken as a symbol of the great force of mother love, so great that it has become generalized to all other closely related elder females. But this possibility must be ruled out in view of the almost complete silence which the Kazakhs maintain regarding the mother and the mother theme.

The novelist Mukhtar Auezov has written two novels about the 19th century Kazakh poet, Abai Kunanbaev. The general theme concerns the formation of the character of this 19th century Kazakh intellectual who turned to Russia for guidance (Abai is the translator into Kazakh of Pushkin's Eugene Onegin). Abai's life is presented in a literary pattern acceptable to the political line of the Soviet Union: the pattern of the daring youth who breaks with the past, overcoming the tyranny of the traditional life and storming toward the new. This theme is popular with the Soviet leadership, for it contains the notion of the friendship of the peoples of the Soviet Union—under the aegis of the Great Russians. Abai's father is depicted as a monster of feudal oppression, and Abai is shown in stern revolt against him. Abai's mother appears briefly as part of a dim gallery of forces which are generally passive and favorably disposed toward the hero: the grandmother, the mother, a poetess of the era, Abai's beloved. The beloved is represented as lovable, the poetess as a beautiful singer, and the grandmother as a woman of wisdom—which is in general a male trait. The mother plays a brief, positive role in Abai's youth and then disappears from the novel. She herself is colorless, and the emotion is centered around the grandmother, a figure not of love but of wisdom.[1]

The absence of the mother role and mother love is true of other domains of Kazakh family life and social life generally. There is nothing that counterbalances the father-son orientation of the family and the society. Woman's status, however high it may rise, is inferior to that of the male. As a young girl, the steppe daughter is a "non-person"; she counts for little. She may be betrothed in infancy, in which case

[1]Auezov (3), 1949. See also Krader's doctoral dissertation (78), 1953, chapter 6. Winner (128) corroborates this analysis of the literary evidence.

she is physically a part of her paternal family but socially, spiritually, she is already on her way to join her husband. Among the Turks of the eighth century, a man could sell his daughter, provided she was neither betrothed nor married, if he could not otherwise pay the sum levied against him for a crime. These ancient Turks could not sell their wives, but could make seizure in such a case—but only such an extreme case—on the dowry which the wife had brought with her.

Yet a woman is not without rights among the Kazakhs. There is a considerable progression in her social status and personal rights when she advances from an unmarried to a married state, a progression which was true for the ancient Turks as well as for the Kazakhs, their descendants.[1] The modern unmarried Kazakh girl has no property, but on betrothal and marriage she obtains certain property rights. The married woman receives her dowry which she, not her husband, controls. She may reserve it from her husband's estate and make provision for its distribution among her own children, to prevent children of her husband by another wife from falling heir to her property.[2]

The ethnographer Karutz comments that although a woman's family receives a certain amount of bridewealth from her husband's family on their marriage, this bridewealth is hardly commensurate with the cost and care of her upbringing.[3] (For poor Kazakhs bride-service, in which the youth works for the wife's father for a term, may take the place of payment of the bridewealth, but this is not the usual pattern.) One gains the impression that a girl prior to marriage is barely tolerated in her parental home. She is there on sufferance until the day she marries and moves to her husband's home. A woman is a temporary resident in her father's home, a permanent resident in her husband's home. And the long-established member of the Kazakh community, especially if she is a woman, has a position which the newcomer does not. The mother-in-law has superiority over the son's wife.

A woman advances in status when she marries; she advances still further when she bears a son. The marriage arrangement between two Kazakh families is in the nature of a contract, the purpose of which is the passage of a woman from one line to bear sons for another.[4] The terms of the marriage "contract" involve a complex series of exchanges; bridewealth is paid by the boy's family to that of the girl, or bride-service is performed by the groom for the bride's father, a dowry is stipulated, and feasts and sumptuous gifts are exchanged between the families in as many as seven ceremonies. The riches of the exchanges vary according to the wealth and status of the families. Among rich families, each tries to outdo the other in outlay; among the families of moderate wealth, traditionally fixed sums are exchanged; among the poor, the marriage takes place merely through the exchange of a sheep or a kid.[5]

[1] Ilichwin, 1950.
[2] Izraztsov, 1897, pp. 67-70.
[3] Karutz (72), 1911, p. 100.
[4] Krader (78), doctoral dissertation, 1953, ch. 6.
[5] Karutz (73), 1910, p. 38.

595 Kazakh men may take more than one wife for many reasons, perhaps to gain the prestige of numerous wives, or because the first wife has not borne a son. A barren or sonless wife may be divorced and sent 586 back to her family. The fortunate woman who has borne a son is endowed 593 with property which is hers to hold in trust for her minor children. Should the mother of a son be widowed, she is a free agent and may remarry or not, as she pleases and whom she pleases. If a widow has 589 no children or has only daughters, she may be forced into leviratic [587] marriage (i.e., marriage with the brother of her deceased husband). If she has only daughters, her family may be broken up at the death of the husband.

581 It is in the light of these various changes in rights and statuses that the marriage is seen as pointing to the bearing of sons. There is great joy at the birth of a son, for thereby is the continuation of the line assured, and thereby is the marriage fulfilled.

587 The leviratic marriage is actually a form of social insurance, for 596 thus does the Kazakh society take care of those families without a male [581] head. The position of the conjugal family within the framework of the extended family is shown by this practice. A woman weds not her husband but her husband's family; when she marries her husband, she potentially marries her husband's brother. The marriage arrangements are made between the families, and the partners involved are not consulted. The line of the family flows not only through the husband but through his brother, and through all the close kin in the male line within the family. In medieval times, the son among both Turks and Mongols also married the widows of the deceased father other than his own mother,[1] but this form of marriage is now taboo.[2]

596 Within the extended family, and among close kinsmen generally, no one has his exact equal in status. The first basis for differentiation is [561] the generation to which one belongs, the second is the order of birth, the third is chronological age. The age criterion is the least reliable and the least used, but it is there. Kazakh brothers and sisters are [593] ranked according to order of birth, and treat one another with authority [606] or with respect accordingly. Cousins are likewise ranked according to the order of birth of their fathers. The second son of the elder brother does not necessarily take precedence over the elder son of the second brother, however; here complicating factors come in, such as the chronological ages of the cousins in question. If there is a wide disparity in age, then the older cousin takes precedence regardless of birth order. A Kazakh treats his older brother as he does his father's younger brother, [593] and his older sisters as he does his father's younger sisters. He calls them by the same terms and acts toward them in a similar fashion.[3]

642 Authority and respect tend to follow similar lines outside the family, in the village, clan, and khanate. These latter authority relations are 171 modeled on the paternal, in a way similar to the Chinese, the Japanese, the Roman and South Slavic societies. In considering these parallels,

[1] Bichurin, 1950, p. 230.
[2] Grodekov, 1889, p. 29.
[3] Ivanitsov, 1897, p. 11.

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596 could make no such allotment; the herd belonging to such a family was too small to allow for such a division.[98] Therefore it was held in common supporting those whom it could support, while those who were in excess might go off to join the family of a kinsman. The practices governing inheritance will be taken up below; here only certain aspects of family property can be treated. The son to whom allotment during the lifetime of the father was made on the occasion of the marriage of the son, lived and herded in common with his father.[99] Rights in the family property continued to be recognized even after brothers had separated, for example, if one brother died without male heirs, the family property passed to surviving brothers even if they did not live communally.[100]

593 671 602 685 The general position of the family in the social structure of the Great Horde may be drawn from its situation before the law. The criminal law of the Great Horde, as codified by Grodekov, had a number of references to the manner whereby theft within the family was handled. The Kazakh law in the matter of felony corresponded to what Durkheim has called restitutive law, rather than to his category of repressive law; and to the private delict in the somewhat more cumbersome terminology

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[98] Ibid., 2; Radloff, op. cit., I, 513.

[99] Izrastsov, 3.

[100] Ibid., 70.

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of Radcliffe-Brown.[101] The rustling of cattle (barants/ baryma) was permitted in the following circumstances, according to information received by Grodekov from the biis of the Great Horde:

1. By the son from the father, or the son's son from the grandfather, regardless of how many times or how much property was involved. On the other hand, the father had the right of seizure of the entire property of the son; the father had the right to indenture his son for annual terms, and the money thus earned was applied to the father's estate, i.e., the family property.

2. Stealing between sons of brothers could not be punished.

3. The sister's son might request aid from the uncles (mother's brothers). If this aid was not forthcoming, the sister's son (dŭien) might make up to three seizures on the property of the mother's brothers. If he made seizure beyond that number of times, the difference was taken away from him. If he should steal a courser, the maternal uncle might require a return of like value. If the sister's son stole a fourth time, the maternal uncle might tell him: "Thou lossest the rights of a nephew."

G02 G85 4. Among kin related beyond the third degree (those with a common father's father), seizure was permitted, with the obligation to repay, however, as soon and as

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[101] Durkheim, Division of Labor, 112 ff; Radcliffe-Brown, Primitive Law.

602 685 much as possible, in the following circumstances: (a) for payment of bridewealth (kalym), since the increase of descendants and the need to marry was a desirable thing; (b) for the payment of a debt (to a stranger); (c) in time of famine; (d) for a necessary journey, or in pursuit of bandits, rustlers, etc.[102]

602 593 The degree of mutual support and dependence may be directly inferred from these sections of the criminal code: the father, the father's brothers and the father's father were effectively regarded as one social unit, from the viewpoint of the son. Property rights were in common, at least before the law. Relations between sons of brothers were only slightly more distant as measured by these practices of restitution and the recognition of felony. Mother's brothers and sister's sons were about in the same category as father's brother's sons; seizure beyond these degrees of kinship was reckoned as theft except under specified circumstances.

604 601 Important to note, although its fuller implications must be left for later discussion, is the significance of the avunculate: the mother's brother was under strong obligations to the sister's son, his dzïen.[1/4] An identical practice is found among the Kalmuks, and even the two terms (Kalmuk sē/dzē) are cognate terms. There is a clear and demonstrable correlation between the termi-

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[102] Grodekov, 160-162; cf. Pingelstedt, 148.

1/4 [Ct. cat. 602, pp. 421-422 -- Analyst]

602 relationship, a man must now be aware of, respond to the economic and legal implications of, a relationship through the mother's sister. In the light of this, we must re-examine the lines of consanguinity, and we find that the agnatic line no longer satisfies all the relationships involved, or even the major proportion of them. Descent is significant in the light of the data here presented through the grandfather in general, and not through the father's father alone. A man can call on me for help if he shares a common grandfather with me, and conversely, I can call on him. This is a cognatic relationship, and not at all an agnatic one, which in the present context is of considerable theoretical interest.

678 A final relationship between the kinship system and
681 the law on the steppe which is to be discussed is the
●593 legal personality of the family. The family was a person before the criminal law of the Great Horde, as it was in other parts of the steppe. Thus, if a father killed his son, no legal proceeding could be undertaken against him; nor could the law intervene if the son killed his father. The family unity could not be invaded, that is, by outside forces. Again, if the father was alive, and a brother killed a brother, the legal process could not intervene; and even if the father were dead and the sons had moved apart, only a small sum was paid to the family of the victim, more a token payment than a true wergeld.[165]

[165] Ibid., 15-16.

673 681 573 Moreover, the family acted as a personality in paying or receiving the wergeld: it was liable to penalty or indemnity as a unit. To this conception we add in corroboration the family as a personality in the marriage practices of kalym, levirate and the marriage agreement itself.

The Middle Horde

101 161 The Middle Horde, Kazakh orta yüs, literally Middle Hundred, nomadized on the steppe north of Lake Balkhash as far as the upper course of the Irtysh River in southern Siberia. From the viewpoint of European Russia, it was less distantly removed than the Great Horde. In territorial expanse the Middle Horde was smaller than the Great Horde, but larger than the combined Little and Inner Hordes. Numerically it was the largest of all the hordes considered separately in the 19th century; it was estimated in the 1830's at 165,000 families, approximately, and at about the same number at the end of the century. Thus from Levshin's day in the 1830's to Radlov's in the 1890's, it showed no absolute change at all, whether of increase or decrease, while compared with the other hordes it had suffered a relative decrease.[166]

Unlike the Great Horde, the Middle Horde had no

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[166] Levshine, 300; von Hellwald, 20; von Lebedour, II, 480; Schuyler, I, 34; Lansdell, I, 303-304.